IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.6653 OF 2006

Smt. Lilavati Ramchandra Sathe ..Petitioner

V/s.

Sanjiv Suresh Mehendale & anr. ..Respondents

Mr.Vijay Killedar for the petitioner

CORAM : S.C.DHARMADHIKARI, J.

DATE : 15TH JUNE, 2007

P.C.

1. The petitioner is 84 years old and is aggrieved by the order dated 21st August, 2006 passed by the learned Judge, Family Court, Pune below application (Exh.48) in P.A.No.1001/2005.

2. The application was preferred by the petitioner for joinder in the proceedings which have been initiated by the wife of her grand-son. She states that the wife has obtained an order against grandson restraining him from prohibiting her from entering into property bearing CTS No.1980, Sadashiv Peth, Madiwale Colony, Pune. The

contention of the petitioner before the Court below was that she is exclusive owner of this property and considering that she should be permitted to join therein as a party. She should be impleaded therein as a party-respondent.

3. That request of the petitioner has been rejected by the impugned order and that is how she has approached this Court.

4. Although, the Court below has proceeded on the basis that the wife is not claiming any right of ownership in the matrimonial property but claiming to be her matrimonial home, the petitioner feels aggrieved because according to her, even her independent proceedings would be prejudiced by such observations.

5. I do not find any merit in the submission of the learned counsel appearing for the petitioner that the petitioner was necessary party to the proceedings. The proceedings by their very nature were between the wife of grandson of the petitioner

and the grandson. Matrimonial relationship is base of the proceedings. Therefore, in such proceedings the request of the petitioner to implead her is rightly rejected.

6. In my view, the order passed by the Court below does not prejudice the petitioner in any manner in as much as she can file her own suit to assert her claim of ownership of the property, if at all it is in jeopardy. Such proceedings/suit would be decided on their merit and in accordance with law. Considering the clarification that has been given by the Family Court, Pune, Petition is dismissed. No costs.

(S.C.DHARMADHIKARI, J.)